

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

WILMA I. ORTIZ,

Plaintiff,

v.

COMMISSIONER OF THE SOCIAL
SECURITY ADMINISTRATION,

Defendant.

Case No. 17-CV-878-JPS

ORDER

Wilma I. Ortiz filed a complaint in this matter and a motion for leave to proceed *in forma pauperis*. (Docket #1 and #2). The Court may grant the plaintiff's motion to proceed *in forma pauperis* if it determines that: (1) the plaintiff is truly indigent and unable to pay the costs of commencing this action; and (2) the plaintiff's action is neither frivolous nor malicious. 28 U.S.C. §§ 1915(a), (e)(2).

As to the first requirement, the privilege to proceed without payment of costs and fees "is reserved to the many truly impoverished litigants who...would remain without legal remedy if such privilege were not afforded to them." *Brewster v. N. Am. Van Lines, Inc.*, 461 F.2d 649, 651 (7th Cir. 1972). The plaintiff's motion to proceed *in forma pauperis* demonstrates that she is indigent. (Docket #2). More precisely, the plaintiff attests in her motion that she is unemployed and unmarried and has a monthly income of \$1,251. *Id.* at 1-2. Her monthly expenses include \$625 for rent, \$300 for a car payment, and \$500 for other monthly expenses, for a total of \$1,425 in monthly expenses. *Id.* at 2-3. The plaintiff owns a vehicle worth \$2,000, but has no savings or investments. *Id.* at 3-4. She has

one dependent son, and receives \$150 per month for child support. *Id.* at 1, 4. The Court is satisfied that the plaintiff is indigent and cannot afford the filing fee.

Further, the Court cannot say that the plaintiff's action is frivolous or malicious. As a *pro se* litigant, her filings are viewed generously. *Alvarado v. Litscher*, 267 F.3d 648, 651 (7th Cir. 2001). Using that lens, the Court construes plaintiff's short statement in the complaint form as an attack on the Administrative Law Judge's ("ALJ") decision to deny benefits in her case, namely that the ALJ did not consider her symptoms and impairments. (Docket #1 at 3). If that contention is true, then the Court may be required to vacate the decision. Thus, the plaintiff's action is neither frivolous nor malicious.

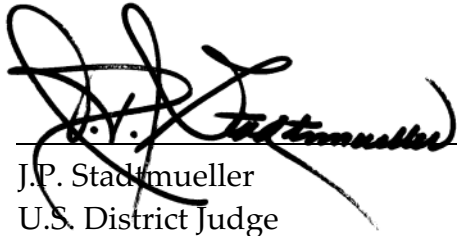
For those reasons, the Court will grant the plaintiff's motion for leave to proceed *in forma pauperis*.

Accordingly,

IT IS ORDERED that the plaintiff's motion for leave to proceed *in forma pauperis* (Docket #2) be and the same is hereby **GRANTED**.

Dated at Milwaukee, Wisconsin, this 28th day of June, 2017.

BY THE COURT:



J.P. Stadtmueller
U.S. District Judge